

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

0.55 ACRES OF LAND, MORE OR LESS,  
SITUATED IN THE CITY OF ST. LOUIS,  
MISSOURI; and LIBERTY PLAZA, LLC, ET AL.,

Defendants.

Case No. \_\_\_\_\_

## DECLARATION OF TAKING

TO THE HONORABLE UNITED STATES DISTRICT COURT:

I, Michael Brennan, Executive Director of the Office of Construction & Facilities Management, U.S. Department of Veterans Affairs, hereby declare:

1. The authority for the acquisition of the estate in property taken is set forth in Schedule A.
2. The public purpose for which the property is taken is set forth in Schedule B.
3. The legal description of the property taken is set forth in Schedule C.
4. A survey showing the land taken is set forth in Schedule D.
5. The estate taken in the property is set forth in Schedule E.
6. The amount estimated to be just compensation for the taking, which sum is to be deposited with the registry of the Court for the use and benefit of the persons

entitled to it, is set forth in Schedule F. I am of the opinion that the ultimate award for the taking will be within the limit prescribed by law on the price to be paid for it.

7. The parties who have or may claim an interest in the property taken are set forth in Schedule G.

I, Michael Brennan, Executive Director of the Office of Construction & Facilities Management, U.S. Department of Veterans Affairs, state and declare that the property and all rights acquired are taken in the name of and for the use of the United States of America under the authority and for the public purpose stated herein.

IN WITNESS WHEREOF, the United States of America, by the U.S. Department of Veterans Affairs and the Executive Director of the Office of Construction & Facilities Management, thereunto authorized, has caused this Declaration of Taking to be signed this 28th day of September, 2022.

UNITED STATES OF AMERICA



Dr. Michael D. Brennan, Ph.D., AIA  
Executive Director  
Office of Construction & Facilities Management  
U.S. Department of Veterans Affairs

## SCHEDULE A

### AUTHORITY

This taking is filed pursuant to 40 U.S.C. §§ 3113-14 and 38 U.S.C. § 8103(a). The latter statutory provision authorizes the Secretary of Veterans Affairs (the “Secretary”) to acquire property necessary for medical facilities by purchase, condemnation, or other means. Congress has also specifically authorized the expansion of the Veterans Affairs Medical Center in St. Louis, Missouri, to include land acquisition, and appropriated funds for the acquisition of this property. Caregivers and Veterans Omnibus Health Services Act of 2010, Pub. L. No. 111-163, § 901(a)(4); Consolidated Appropriations Act, 2022, Pub. L. 117-103, div. J, tit. II; Schedule B *infra*.

The acquisition authority granted to the Secretary in 38 U.S.C. § 8103 was delegated to the Principal Executive Director of the Office of Acquisition, Logistics, and Construction (“OALC”) by memorandum entitled “Request for Delegation of Authority for Real Property Actions, Excluding Enhanced Use Leases,” dated January 5, 2016, and executed by the Secretary on January 10, 2016. The Secretary, through that same memorandum, stated that the Principal Executive Director of OALC “may re-delegate this authority to the Executive Director, Office of Construction and Facilities Management” (CFM). The Principal Executive Director of OALC re-delegated the aforementioned acquisition authority to the Executive Director of CFM by memorandum entitled “Request for Re-Delegation of Authority for Real Property Actions, Excluding Enhanced Use Leases,” dated January 12, 2016, and executed by the Principal Executive Director of OALC on January 13, 2016.

SCHEDULE B

**PUBLIC PURPOSE**

The property is being taken for the expansion of the VA St. Louis Healthcare System – John Cochran Division, in St. Louis, Missouri. The expansion will be used to expand health care for our nation’s veterans.

SCHEDULE C

**LEGAL DESCRIPTION**

The land is described as follows:

Being approximately 0.55 acres, more or less, in the City of St. Louis, and State of Missouri, to wit:

A lot in Block 2290-B of the City of St. Louis, fronting 148 feet 4 3/4 inches on the West line of Grand Boulevard, by a depth westwardly of 167 feet 9 inches along the North line of Belle Avenue and 154 feet 4 1/8 inches along the South line of Windsor Place to the East line of St. Alphonsus Street having a width thereon of 147 feet 8 1/4 inches.

Being the same as the land described in Deed of Trust, Doc. No. 11032014-0286, and being the same as the land described in General Warranty Deed, Doc. No. 01182005-0276 as well.<sup>1</sup>

Recognizing that there are inconsistent descriptions of record, the intent of the United States is to acquire all land between Windsor Place to the North, Grand Boulevard to the East, Bell Avenue to the South, and St. Alphonsus Street to the West.

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<sup>1</sup> These references are to the Official Records of the City of St. Louis, Missouri.



SCHEDULE E

**ESTATE TAKEN**

The estate taken in the land described in Schedule C is fee simple absolute.

SCHEDULE F

**ESTIMATE OF JUST COMPENSATION**

The sum estimated as total just compensation for the property being taken is \$210,000.



## SCHEDULE G

**INTERESTED PARTIES**

Names and addresses of parties who have or may claim an interest in the parcels are as follows:

<b><u>Interested Party</u></b>	<b><u>Reference (if known)</u></b> (all references are to the Official Records of the City of St. Louis, Missouri)
Liberty Plaza, LLC, <i>a Missouri limited liability corporation</i> 1015 North Grand Blvd. St. Louis, MO 63106  c/o  Ahmad Nasser, <i>registered agent</i> 1219 Raintree Pass O'Fallon, MO 63366	General Warranty Deed recorded January 18, 2005, at Doc. No. 01182005-0276.
Town & Country Bank, <i>a Missouri limited liability corporation</i> 1009 E Scenic Rivers Blvd Salem, MO 65560-2820  c/o  Roger Gott, <i>president</i> 1009 E Scenic Rivers Blvd Salem, MO 65560-2820	Deed of Trust recorded November 3, 2014, at Doc. No. 11032014-0286; Assignment of Rents recorded November 3, 2014, at Doc. No. 11032014-0287.
Mark Weaver, <i>trustee</i> 1005 South Pershing St. Salem, MO 65560	Deed of Trust recorded November 3, 2014, at Doc. No. 11032014-0286.
City of St. Louis Attn: Gregory F.X. Daly, <i>Collector of Revenue</i> Real Estate Tax Department 1200 Market St., Rm 109 St. Louis, MO 63103	Taxing Authority